

Journal - Office of Legislative Counsel
Thursday - 30 December 1976

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77-0077/2

*Charters &
Guidelines*

15. [] BRIEFING [] DIA, called stating that the letter from the Secretary of Defense to the Senate Foreign Relations Committee went out on 24 December declining the invitation to appear on 13 January and referring to the Secretary's annual report and the JCS posture statement which would appear in late January. [] said that although DIA was not included in the letter, DIA would not appear either and so notified the Committee.

16. [] BRIEFING I called Sam Goldberg, State Department, who said the letter from Secretary of State Kissinger to the Senate Foreign Relations Committee had gone out on December 28 and merely said that he was declining with regret and considered the subject one which was important for its foreign policy implications and would continue to be important in the future. Goldberg said they then called Pat Holt, of the Committee staff, and orally gave him the real reason which was that it was bad timing and that the subject should properly be addressed by the new Administration.

17. [] LIAISON Called Bill Miller, Staff Director, Senate Select Committee on Intelligence, (while he was vacationing in New Hampshire) and discussed with him the letter Mr. Shackley, ADDO, had received from Chairman Daniel Inouye (D., Hawaii) [] I told Miller that Mr. Knoche was disturbed by this letter and its prosecutorial tone. Miller said that Elliot Maxwell, also of the Committee staff, had written the letters, and that we should not worry. He added that they have found no violation of charter or guidelines on the part of the Agency; that it had followed all procedures. He said the Chairman's basic concern was with the decision by the policymakers.

GEORGE L. CARY
Legislative Counsel

cc:

O/DCI

DDI DDA DDS&T

SA/DO/O

NIO

O/DDCI

Mr. Lapham

IC Staff

Ex. Sec.

Comptroller

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Charters & Hindekins

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10. [REDACTED] LIAISON Elliot Maxwell, Senate Select Committee on Intelligence staff, called to say he was reviewing the CIA Act of 1949 and wondered what use was made of Section 5(c) of that Act and whether that Section was still necessary. Maxwell said he would like to discuss this with me after I had a chance to review it.

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12. [REDACTED] LIAISON Sam Hoskinson, NSC staff, called [REDACTED] and said he had talked to William Hyland, also of the NSC staff, last night and Hyland had said that J. J. Taylor, of the NSC staff, had acted on his own initiative in setting up a briefing for Senator Robert Byrd (D., W. Va.), and that Hyland feels, as he discussed with Mr. Knoche, that we (CIA) should work this out with Bill Miller, Staff Director, Senate Select Committee on Intelligence, and that it should be referred to the Select Committee. Hoskinson said that Taylor is going to get in touch with Senator Byrd's office but he sees no reason why we could not get in touch with the Senator's office if we wished. Hoskinson told me that Taylor had already briefed Representative Antonio B. Won Pat (D., Guam). I said there was probably no harm in his doing this, but if we had known, we would have preferred it been done differently.

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13. [REDACTED] LIAISON In follow-up of my conversation with [REDACTED] OGC, I called Art Rovine, Department of State, concerning a Case Act agreement. Rovine was interested in the status of our conversations with Senate and House committees on this subject, and I gave him a fill in. In response to his query, I told Rovine that I did not think it would be a good idea for a joint session when we meet with Senator Clifford Case (R., N.J.). I told Rovine that I was planning on getting in touch with Jack Brady, Chief of Staff, House International Relations Committee, on this subject and would be back in touch with him tomorrow.

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Charters & Guidelines

Monday - 27 December 1976

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77-0282/5

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1. [REDACTED] ADMINISTRATIVE DELIVERIES

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Delivered to Audrey Hatry, Chief Clerk, Senate Select Committee on Intelligence, the following material for the Committee: Senate Select Committee staffer Tom Moore's notes (sanitized) from his review of Agency material [REDACTED] Elliot Maxwell's, Select Committee staff, notes from his visit to [REDACTED] a letter from the Director to Chairman Daniel Inouye (D., Hawaii) dated 22 December 1976 in response to the Committee's inquiry on Philip Agee; a suggested itinerary for Chairman Inouye's visit [REDACTED] (date indefinite) and a copy of correspondence with Senator Jacob Javits (R., N.Y.) in which we refer Senator Javits to the Senate Select Committee on Intelligence.

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2. [REDACTED] LIAISON Marty Gold, Senator Mark Hatfield's (R., Oreg.) designee on the Senate Select Committee on Intelligence, had asked me for materials reflecting the Agency's position on the open budget issue.

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3. [REDACTED] LIAISON Met with Howard Liebengood, Minority Staff Director, Senate Select Committee on Intelligence, to discuss the Committee's inquiry into the Agency's [REDACTED] Liebengood handed me a letter he had just finished for [REDACTED] reflecting the Committee request for Agency documents.

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We also discussed the Committee's plans for review of Agency documents to be destroyed and Liebengood informed me that Mrs. Evelyn Chevoor, of the Committee staff, would do most of the ground work for the Committee on this problem.

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4. [REDACTED] LIAISON Called Mark Gitenstein, Senate Select Committee on Intelligence staff, in response to his question regarding guidelines the Agency uses in counterintelligence investigations where Americans are involved. I told Gitenstein that the relevant documents were EO 11905, the Attorney General's implementing guidelines for the Executive Order, and Headquarters Regulation [REDACTED] Gitenstein asked for a copy of the last two items.

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5. [REDACTED] LIAISON Mike Epstein, Senate Select Committee on Intelligence staff, called to say that Senator William Hathaway (D., Maine) was still interested in making a tour of Agency buildings, particularly Headquarters. He asked for some preliminary data before the end of the week and I said I would get something to him.

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 22 December 1976

SSCI J.2

77-0334

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1. [REDACTED] LIAISON Received a call from Richard Sprague, Chief Counsel, House Select Committee on Assassinations. He said that the matter of the Memorandum of Understanding had been resolved with the Justice Department and that Justice had agreed to the revisions suggested by the Committee. Sprague said they were redrafting the Memorandum along the lines we had discussed.

Sprague also requested that I convey to the Director Chairman Thomas Downing's (D., Va.) apology for having to cancel the meeting the Director was to have with him and several other members of the Committee on 17 December. I thanked Sprague and told him we understood. We will keep in touch on arranging another meeting after the holidays.

I told Sprague the 15 December article in the Los Angeles Times attributed to him saying "the Committee would reveal the names of CIA agents," had "created considerable heartburn here" but I had assured our people that it was inconsistent with statements he had made to me. Sprague said I was correct and that he made no such statement and had not seen the article. I said I would send him a copy, which was done.

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2. [REDACTED] LIAISON Met with Bill Miller, Staff Director, Senate Select Committee on Intelligence, to brief him on the situation with respect to [REDACTED] which the Department of State has determined should be reported to the Congress under the provisions of the so-called Case Act (P.L. 92-403). Elliot Maxwell, also of the Committee staff, sat in on the session.

I also raised with Miller the questions which we had hoped to discuss with him yesterday regarding proposed Select Committee procedures for handling the intelligence budget authorization. (See Memorandum for the Record.)

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Tuesday - 21 December 1976

<i>Guidelines</i>	
SSCI	J3
77-0076/1	

1. (Internal Use Only - DFM) LIAISON Called Ed Levine, Senate Select Committee on Intelligence staff, to tell him the DDO had prepared a computer listing for all the reports [redacted] the period Levine wants to review. I told him I would arrange for a meeting for him and [redacted] SA/DO/O, to review the listing and for a briefing on what kind of reports are available. STAT

[redacted]

3. (Unclassified - DFM) LIAISON Met with Howard Liebengood, Senate Select Committee on Intelligence staff, who informed me that Committee staffers had met on a Senate Select Committee on Intelligence document destruction review procedure and that he would send a letter to the Agency with the Committee's position on this matter.

4. (Internal Use Only - DFM) BRIEFING Bill Miller, Mike Madigan, Howard Liebengood, Mike Epstein, and Paula Schwartz, Senate Select Committee on Intelligence staff, met with [redacted] C/EA, [redacted] EA, Tony Lapham, General Counsel, [redacted] and myself, to discuss Agency programs [redacted] (See Memo for the Record.) STAT

5. (Limited Official Use - CM) CONGRESSIONAL STAFF BRIEFING Following up on the call of Helsinki Commission staffer Martin Sletzinger to [redacted] Center for Policy Support, for a briefing on the USSR's USA Institute and its chief, Georgiy Arbatov, and their influence on Soviet foreign policy decision making and makers, I arranged with Sletzinger for a briefing at Headquarters at 3:30 on 22 December for Sletzinger, Helsinki Commission Staff Director Spencer Oliver, and staffer Robert Rand. STAT

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18. [] LIAISON Howard Liebengood, Minority Staff Director, Senate Select Committee on Intelligence, addressed the DDS&T Career Development Course on the subject of congressional oversight of intelligence agencies. He reviewed the history of oversight since 1947, but focused largely on the charter and work of the Senate Select Committee. Liebengood made the following other points. He is concerned about the work of the Ad Hoc Subcommittee on Charters and Guidelines and is afraid the Subcommittee will want to move too fast in this direction. He opposes attempts to have a revised draft National Security Act prepared by spring 1977. He personally is more interested in the CI field than any other intelligence subject. He feels there is need for legislation on CI as well as room for improvement in the way it is conducted. He doesn't feel the FBI has an efficient CI program and is concerned about the division of responsibilities between CIA and FBI. Liebengood also said the Committee was very interested in the question of liaison with foreign intelligence services and wants to probe into whether the activities of friendly services in this country violate any U.S. laws and to determine the quid pro quo for such activities. Liebengood indicated that the Committee might want to pursue this matter through formal hearings (though presumably in executive session).

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In a meeting with [] DDS&T, [] O/DDS&T, Liebengood and myself after Liebengood's talk, we briefed him on a sensitive Agency project. Liebengood mentioned that Senator Howard Baker (R., Tenn.) was very interested in the nuclear proliferation issue and what intelligence assets are employed against it. He said the Senator would want to take up this subject when he comes to Headquarters for debriefings on his recent trip abroad.

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6. [] LIAISON Met with Frank Slatinshek, Chief Counsel, House Armed Services Committee, and Frank Sullivan, Executive Assistant, in the office of Representative John Brademas (D., Ind.) and extended an invitation to visit an Agency facility and informed them of the launch set for 15 December 1976. Frank Slatinshek asked that I call him tomorrow to discuss a date and Sullivan wants to put it off until sometime in January. I also briefed Frank Slatinshek and Frank Sullivan on the

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7. [] LIAISON Talked to Larry Callahan, Department of Justice, and he stated that he had a very brief conversation with Richard Sprague, Chief Counsel, House Select Committee on Assassinations, since our last talk on 8 December. Sprague told him that he had reached no conclusions on the Memorandum of Understanding but would do so by Wednesday.

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8. [] LIAISON Called Paul Dailey, FBI, to alert him that Tom Moore, Senate Select Committee on Intelligence staff, would begin his review of CIA files on [] on 10 December

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9. [] LIAISON Invited Howard Liebengood, Senate Select Committee on Intelligence staff, to address the DDS&T Career Development Course on the subject of Congressional oversight of

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intelligence. [] DDS&T, had asked me to arrange for a Congressional speaker. We set 16 December at 10:00 for Liebengood's talk

Liebengood asked about Agency plans for destruction of Agency documents in line with the lifting of the moratorium on 10 December. I assured Liebengood that no documents would be destroyed without concurrence from the Senate Select Committee. We also discussed briefly what procedures might be established for Select Committee review, but no conclusions were reached. I informed Liebengood of the Records Control Schedules which had been approved by the National Archives Records Service.

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ADDENDUM TO JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

SSCI J1
77-0289

Wednesday - 2 December 1976

1. [Redacted] BRIEFING Accompanied Tony Lapham, General Counsel, to a meeting with Bill Miller, Staff Director, Michael Madigan, and Howard Liebengood, staff of the Senate Select Committee on Intelligence, regarding the request of the Select Committee for reports similar to those provided the IOB. Lapham presented a draft letter which he proposed that the Director send the Committee outlining the procedures we recommend. All three staff members felt the procedures would fully meet the Committee's needs. Regarding the proposed thirty day delay in reporting to the Select Committee, Miller said he would expect the Agency to promptly report very significant matters, per section 11a of S. Res. 400.

2. [Redacted] LIAISON At the request of [Redacted] DDO, for her response to a cable from the [Redacted] I called Dick Kimmel, Document Specialist for the Joint Atomic Energy Committee, to determine the distribution of a Committee publication of a statement by Commissioner Dixie Lee Ray, Atomic Energy on 6 August 1974 on uranium enrichment. Kimmel said the publication was of an open hearing and was given standard distribution including the International Atomic Energy Agency in Vienna. [Redacted]

[Redacted]

Legislative Counsel

cc:
O/DCI [Redacted] IC Staff
O/DDCI DDA DDS&T
Ex. Sec. DDI NIO
Mr. Lapham SA/DO/O Compt.

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5. [] LIAISON In the absence of Elliot Maxwell, Senate Select Committee on Intelligence staff, I informed his secretary, Michal Shafer, that Maxwell should be in contact with DOD concerning a visit to their facilities in Los Angeles and San Francisco [] Ms. Shafer said she would pass the message to Maxwell.

6. [] LIAISON Called Danny Childs, Senate Select Committee on Intelligence staff, concerning our discussion yesterday regarding Reserve release letters and the possibility of a letter from Chairman Daniel Inouye (D., Hawaii) stating Committee approval of this release and asking that procedures be set up to transmit future approvals. I told Childs that I thought the Agency would oppose establishing such procedures and asked if we could discuss this before the letter is sent. Childs then alerted Bill Miller, Staff Director, to expect a call.

7. [] FAA BRIEFING Accompanied the Director to a briefing of the Defense Subcommittee, House Appropriations Committee, on the 16 November 1976 Presidential finding. (See Memorandum for the Record.)

8. [] LIAISON In the company of [] met with Richard Sprague, Chief Counsel, House Select Committee on Assassinations, to provide him with comments on the Kessler article of 26 November 1976 and to discuss several related matters. (See [] Memorandum for the Record.)